

From: [William Bock, III](#)
To: [Mary Myers](#); [finkelmeyer@doj.state.wi.us](#); [jmcarr@milwaukee.gov](#); [jbartzen@boardmanclark.com](#); [rothct@doj.state.wi.us](#); [mmay@boardmanclark.com](#); [pmcla@milwaukee.gov](#); [kilpatricksc@doj.state.wi.us](#); [mmay@boardmanclark.com](#); [Andrew Jones](#); [pmccla@milwaukee.gov](#); [tstjun@milwaukee.gov](#); [dbach@lawtocrates.com](#); [jmandell@staffordlaw.com](#)
Cc: [Kevin Koons](#); [James Knauer](#); [Steve Runyan](#)
Subject: RE: Trump v. WEC -- Revised Draft Stipulation
Date: Wednesday, December 9, 2020 3:43:26 PM
Attachments: [image002.png](#)
[Draft Stipulation \(revised following meet and confer\).docx](#)

Counsel,

Thank you for your time during our meet and confer earlier today. On the call you requested that the Plaintiff identify a stipulation that would obviate the need for calling Meagan Wolfe, Claire Woodall-Vogg, Mayor Tom Barrett and Maribeth Witzel-Behl. Without conceding any point and reserving all arguments, I am attaching a proposed stipulation that would address some facts relevant to the question of the materiality of the identified constitutional violations that would lead us to be willing not to call these witnesses. This proposed stipulation constitutes an offer in compromise as to the testimony of these witnesses and unless and until executed should not be relied upon for any other purpose.

I realize this does not leave a great deal of time to consider before the pre-hearing conference, however, I can assure you that this is all I have worked on since our call.

Kind regards,

Bill Bock

William Bock, III | Partner



111 Monument Circle Suite 900

Indianapolis, IN 46204-5125

Phone: (317) 777-7412

Fax: (317) 264-6832

Mobile: (317) 698-7332

WBock@kgirlaw.com www.kgirlaw.com

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From: Mary Myers

Sent: Wednesday, December 9, 2020 12:31 PM

To: finkelmeyer@doj.state.wi.us; jmcarr@milwaukee.gov; jbartzen@boardmanclark.com; rothct@doj.state.wi.us; mmay@boardmanclark.com; pmcla@milwaukee.gov

Cc: William Bock, III; Kevin Koons; James Knauer; Steve Runyan

Subject: Trump v. WEC -- Draft Stipulation

Counsel—

At Bill Bock's instruction, attached is a draft copy of the proposed stipulation for discussion at the meet and confer conference today. You will also be receiving in the next few minutes an invitation to a Box account that contains some additional documents for you to review prior to the meet and confer. Thank you.

Mary Myers | Paralegal



111 Monument Circle Suite 900

Indianapolis, IN 46204-5125

Phone: (317) 777-7430

Fax: (317) 264-6832

Mobile: (317) 445-0477

MMyers@kgirlaw.com www.kgirlaw.com

Follow us on [Twitter](#) and [LinkedIn](#) and visit our [Blog](#)

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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN
MILWAUKEE DIVISION**

Donald J. Trump, Candidate for President of the United States of America,)	
)	
)	
Plaintiff,)	
)	
vs.)	
)	Case No. 2:20-cv-01785-BHL
The Wisconsin Elections Commission, et al.)	
)	
Defendants.)	
)	
)	

STIPULATION REGARDING ADMISSIBILITY OF DOCUMENTS

Plaintiff Donald J. Trump, by counsel, and Defendants the Wisconsin Elections Commissions and its members (“WEC”), Secretary of State Douglas J. La Follette, Mayor Satya Rhodes-Conway, Maribeth Witzel-Behl, Scott McDonnell, Mayor Tom Barrett, Claire Woodall-Vogg, and Jim Owczarski [insert all Defendants] (the “Defendants”), all by counsel, stipulate to the following:

1. The Defendants agree and stipulate that the following documents, more particularly identified in the table below, are admissible into evidence in their entirety and useable for all purposes:

Plaintiff’s Exhibits:

2, 12, 13, 14, 18, 26, 28, 29, 32, 35, and 36.

2. The Defendants agree and stipulate that portions of the following documents, specifically identified in the table below, include quotes by Defendants that are true and accurate records of their prior statements and useable for all purposes:

Plaintiff’s Exhibits 1, 3, 4, 16, 24, 25 and 37.

1	Assembly Speaker Calls for Investigation of Wisconsin Election
2	Guidance Indefinitely Confined Electors, <i>Wisconsin Election Commission</i> – March 29, 2020
3	Scott McDonnell Facebook post regarding important voting information
4	Absentee Voters in Milwaukee, Dane Counties can say they're 'Indefinitely Confined' and skip photo ID, clerks say, <i>Milwaukee Journal Sentinel</i> – March 25, 2020 updated March 26, 2020
12	Wisconsin Safe Voting Plan, <i>Center for Tech and Civic Life</i> – June 15, 2020
13	Absentee Drop Box Guidance, <i>Wisconsin Elections Commission</i> – August 19, 2020
14	Absentee Drop Box Information, <i>Wisconsin Elections Commission</i> – August 19, 2020
16	Ballot Drop Boxes offer a “Safe Place” for voting, <i>Wisconsin Center for Investigative Journalism</i>
18	Drop Box List, <i>Wisconsin Elections Commission</i>
24	Milwaukee gears up for historic election in which 70% of voters may not cast a ballot, <i>Milwaukee Journal Sentinel</i> – Sept. 15, 2020
25	Milwaukee Absentee Ballot Drop Boxes Replaced this Week with Permanent Versions, <i>Milwaukee Journal Sentinel</i> – Oct. 27, 2020
26	City of Madison Unveils Secure Absentee Ballot Drop Boxes, <i>City of Madison Clerk</i> – October 16, 2020
28	CTCL partners with 5 Wisconsin cities to Implement Safe Voting Plan, <i>Center for Tech and Civic Life</i> – July 7, 2020
29	Voter turnout in Madison, Dane County Surpasses record 2016 Numbers, <i>City of Madison by Vanessa Reza</i> – Nov. 4, 2020
32	WEC Prepares for Fall Elections by Approving Block Grants to Municipalities and Mailing to Voters, <i>Wisconsin Elections Commission</i> - May 29, 2020
35	Spoiling Absentee Ballot Guidance, <i>Wisconsin Elections Commission</i> – Oct. 19, 2020
36	Uniform Instructions for Wisconsin Absentee Voters, <i>Wisconsin Elections Commission</i>
37	What Poll Watchers Can and Can't do at Wisconsin Voting Sites, <i>Milwaukee Journal Sentinel</i> – Oct. 20, 2020

Additionally, the Defendants agree that the following documents are also admissible into evidence in their entirety:

- Affidavit of Claire Woodall-Vogg – November 27, 2020
- Plaintiff's Submission of Excerpts from Wisconsin Election Code
- Wisconsin Elections Commission Questions and Answers with Clerks (WEC000098-WEC000102)
- WEC's Responses to Plaintiff's Requests for Admissions and Document Requests
- “Organizing and Processing Absentee Ballots” Screenshot from WEC Training Video
- “WEC Clerks Training Video 2020”
- WEC Response to Discovery Request No. 1 – Concerning Absentee Ballot Drop Boxes

- WEC Response to Discovery Request No. 2 – Concerning Altering Absentee Ballot Certifications
- WEC Response to Discovery Request No. 3 – Concerning Public Access

3. The Defendants agree and stipulate that the following documents, constituting Plaintiff's trial exhibits, more particularly identified in the table below, are admissible into evidence in their entirety and useable for all purposes.

4. The Defendants agree and stipulate that all documents filed by a defendant in this case, including but not limited to the Affidavit of Claire Woodall-Vogg and all attachments thereto, are admissible into evidence in their entirety.

5. The Defendants agree that the Clerk and election officials in Milwaukee County, the City of Milwaukee, Dane County, and the City of Madison had no written standards used to guide their alteration, curing or adding to absentee ballot witness certificate addresses other than any guidance from the WEC contained in the documents identified above

6. The Defendants agree and stipulate that a total of [insert number] absentee ballots were cast and counted in the 2020 presidential election in Wisconsin (the "2020 Election"), as of the conclusion of the recount proceedings in state court (and before any appeal in those proceedings) (the "Recount Conclusion Date").

7. The Defendants agree and stipulate that a total of [insert number] absentee ballots were collected in absentee ballot drop boxes in the 2020 Election in Wisconsin as of the Recount Conclusion Date and of this number, [insert number] of these ballots were counted in the 2020 Election as of the Recount Conclusion Date.

8. The Defendants agree and stipulate that a total of [insert number] absentee ballots were collected in absentee ballot drop boxes in the 2020 Election in Dane County, Wisconsin (including the City of Madison and any other municipalities located in Dane County) as of the Recount Conclusion Date and of this number, [insert number] of these ballots were counted in

the 2020 Election as of the Recount Conclusion Date.

9. The Defendants agree and stipulate that a total of [insert number] absentee ballots were collected in absentee ballot drop boxes in the 2020 Election in Milwaukee County, Wisconsin (including the City of Milwaukee and any other municipalities located in Milwaukee County) as of the Recount Conclusion Date and of this number, [insert number] of these ballots were counted in the 2020 Election as of the Recount Conclusion Date.

10. The Defendants agree and stipulate that a total of [insert number] absentee ballots were collected through Democracy in the Park events in the 2020 Election in Dane County, Wisconsin (including the City of Madison and any other municipalities located in Dane County) as of the Recount Conclusion Date and of this number, [insert number] of these ballots were counted in the 2020 Election as of the Recount Conclusion Date.

11. The Defendants agree and stipulate that a total of [insert number] absentee ballots were collected through Democracy in the Park Events in the 2020 Election in Milwaukee County, Wisconsin (including the City of Milwaukee and any other municipalities located in Milwaukee County) as of the Recount Conclusion Date and of this number, [insert number] of these ballots were counted in the 2020 Election as of the Recount Conclusion Date.

12. The Defendants agree and stipulate that a total of [insert number] of absentee ballots that were counted as valid votes as of the Recount Conclusion Date had aspects of the Witness address certification physically changed by an election worker (including but not limited to by a Clerk or an employee of a Clerk or other Election Administrator) in the 2020 Election in Wisconsin.

13. The Defendants agree and stipulate that a total of [insert number] of absentee ballots that were counted as valid votes as of the Recount Conclusion Date had aspects of the

Witness address certification physically changed by an election worker (including but not limited to by a Clerk or an employee of a Clerk or other Election Administrator) in the 2020 Election in Dane County, Wisconsin (including the City of Madison and any other municipality in Dane County).

14. The Defendants agree and stipulate that a total of [insert number] of absentee ballots that were counted as valid votes as of the Recount Conclusion Date had aspects of the Witness address certification physically changed by an election worker (including but not limited to by a Clerk or an employee of a Clerk or other Election Administrator) in the 2020 Election in Milwaukee County, Wisconsin (including the City of Milwaukee and any other municipality in Milwaukee County).

15. The Defendants agree and stipulate that a total of [insert number] absentee ballots were cast and counted in the 2016 presidential election in Wisconsin and from voters who received an absentee ballot by virtue of contending they were indefinitely confined or otherwise disabled.

16. The Defendants agree and stipulate that as of December 31, 2019, a total of [insert number] voters in Wisconsin were listed in official records as having identified themselves as indefinitely confined or otherwise disabled.

17. The Defendants agree and stipulate that as of March 1, 2020, a total of [insert number] voters in Wisconsin were listed in official records as having identified themselves as indefinitely confined or otherwise disabled.

18. The Defendants agree and stipulate that as of March 1, 2020, a total of [insert number] voters in Dane County, Wisconsin (including the City of Madison and all other municipalities in Dane County) were listed in official records as having identified themselves as

indefinitely confined or otherwise disabled.

19. The Defendants agree and stipulate that as of March 1, 2020, a total of [insert number] voters in Milwaukee County, Wisconsin (including the City of Milwaukee and all other municipalities in Milwaukee County) were listed in official records as having identified themselves as indefinitely confined or otherwise disabled.

20. The Defendants agree and stipulate that a total of [insert number] absentee ballots were cast and, as of the Recount Date, counted in the 2020 Election in Wisconsin from voters who received an absentee ballot by virtue of contending they were indefinitely confined or otherwise disabled.

21. The Defendants agree and stipulate that as of November 3, 2020, a total of [insert number] voters in Dane County, Wisconsin (including the City of Madison and all other municipalities in Dane County) were listed in official records as having identified themselves as indefinitely confined or otherwise disabled and [insert number] of these voters had their vote counted in the Election as of the Recount Date.

22. The Defendants agree and stipulate that as of November 3, 2020, a total of [insert number] voters in Milwaukee County, Wisconsin (including the City of Milwaukee and all other municipalities in Milwaukee County) were listed in official records as having identified themselves as indefinitely confined or otherwise disabled and [insert number] of these voters had their vote counted in the Election as of the Recount Date.

23. The Defendants agree that election workers who received absentee ballots at Democracy in the Park events were referred to by election officials as “human drop boxes.”

Therefore, the Parties, by counsel, stipulate to the foregoing.

Date: _____

Date: _____

William Bock III, Indiana Atty. No. 14777-49
James A. Knauer, Indiana Atty. No. 5436-49
Kevin D. Koons, Indiana Atty. No. 27915-49
Kroger, Gardis & Regas, LLP
111 Monument Circle, Suite 900
Indianapolis, Indiana 46204-5125
Reception: (317) 692-9000

Attorneys for Plaintiff Donald J. Trump

Date: _____

Joshua L. Kaul
Attorney General of Wisconsin
Signed by:
Colin T. Roth
Assistant Attorney General
SBN #1103985

Wisconsin Department of Justice
Post Office Box 7857
Madison, Wisconsin 53707-7857
(608) 264-6219 (CTR)
rothct@doj.state.wi.us

*Attorneys for Defendants Wisconsin Elections
Commission and its members, and Secretary
of State La Follette*

Date: _____

Michael P. May, SBN 1011610
James E. Bartzen, SBN 1003047
Barry J. Blonien, SBN 1078848
Boardman & Clark LLP

U.S. Bank Plaza, Suite 410
1 South Pinckney Street
P.O. Box 927
Madison, Wisconsin 53701-0927
(608) 257-9521
mmay@boardmanclark.com
jbartzen@boardmanclark.com
bblonien@boardmanclark.com

*Attorneys for Defendants Mayor Satya
Rhodes-Conway, Maribeth Witzel-Behl and
Scott McDonnell*

Tearman Spencer
City Attorney, SBN 1030676
Signed by:
James M. Carroll (SBN 1068910)

City of Milwaukee
Milwaukee City Attorney's Office
200 E. Wells Street, Room 800
Milwaukee, WI 53202-3515
Telephone: (414) 286-2601
Facsimile: (414) 286-8550
jmcarr@milwaukee.gov

*Attorneys for Defendants, Tom Barrett, Claire
Woodall-Vogg, and Jim Owczarski*